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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,595	08/06/2001	Irena Slage	A7949	9500

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EXAMINER
SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/921,595	SLAGE ET AL.	
	Examiner	Art Unit	
	Salad E Abdullahi	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This application has been reviewed. Original claims 1-34 are pending. The rejections cited stated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, and 28-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Linder et al. U.S. Patent No. 6,681,003[hereinafter Linder].

As per claim 1, Linder discloses data management method, comprising:

providing a data engine (i.e., management server) (see fig. 1 and col. 6, lines 33-44);

obtaining an observation at an output device (data collecting device such as WCD medical device) (see col. 7, lines 26-52);

obtaining another observation at another output device, wherein said observation and said another observation define plurality different observations from a plurality of different output devices (see fig. 1 and col. 4, lines 14-43);

sending said plurality of different observations from said plurality of different output devices to said data engine col. 4, lines 14-43);

storing said plurality of different observations database under control of said data engine (see fig. 1 and col. 6, lines 45-61); and

in response to a report request retrieving said plurality different observations from said database in accordance with parameters in said report request provide plurality of a retrieved observations (see col. 5, lines 26-52); and

producing a report based on said plurality of retrieved observations(see col. 5, lines 26-52).

As per claim 28, Linder discloses a user interface for a clinical trial client for use on computer, comprising:

an activatable region for data collection (on-screen menu) (see figs. 33a and 3b and col. 7, lines 32-49 and col. 8, lines 33-60);

an activatable region for displaying a data graph(see figs. 33a and 3b and col. 7, lines 32-49 and col. 8, lines 33-60); and

an activatable region for note operations(see figs. 33a and 3b and col. 7, lines 32-49 and col. 8, lines 33-60).

As per claim 29-34, Linder discloses the user interface as set forth in claim 28,

Further comprising said activatable region for data collection being

responsive to obtain from user time indication as to whether an entry time relates to a morning observation or an evening observation(see figs. 33a and 3b and col. 7, lines 32-49 and col. 8, lines 33-60).

4. Claims 2-3, 14-15 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy et al. U.S. patent Application Publication 2001/0051882.

As per claim 2, Murphy discloses clinical trial data management server method comprising:

receiving, at server, a user profile provided by a client(see paragraph 0019);

based on said user profile, indicating to said client one or more matching clinical trials,

receiving a clinical trial selection from said client(see paragraph 0022);

providing to said client a selected clinical trial module indicated by said clinical trial selection and corresponding a selected one of said matching clinical trials(see paragraph 0022).

As per claim 3, Murphy discloses the clinical trial data management server method as set forth in claim 2, further comprising:

receiving, at said server, clinical trial data relating to one of said clinical trials and including a respective data observation (see paragraphs 0021-22);

storing said respective data observation in a database of data observations; and

response to a report request(see paragraphs 0021-22);

retrieving selected ones of said data observations from said database in accordance with parameters said report request to provide a plurality of retrieved observations(see paragraphs 0021-22); and

producing a report based on said plurality retrieved observations(see paragraphs 0021-22).

As per claim 14, Murphy discloses a clinical trial data system, comprising;

data engine receiving user profile provided a client (see paragraph 0022);

said data engine having clinical trials management module for analyzing said user profile and indicating to said client one or more matching clinical trials(see paragraph 0022);

said data engine receiving a clinical trial selection from said client(see paragraph 0022);

provided by a said clinical trials management module providing said client selected clinical trial module indicated said clinical trial selection and corresponding a selected one of said matching clinical trials(see paragraph 0022).

As per claim 15, Murphy discloses the clinical trial data server as set forth claim 14 further comprising health data management module receiving clinical data relating one of said clinical trials, said clinical trial data including a respective data observation(see paragraph 0022); and said data engine storing said respective data observation in database of data observations(see paragraph 0022).

As per claims 26-27, the claim include features similar to those of claim 14-15, thus claims 26-27are rejected same rational as claim 14-15.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4-13, 16-19 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Linder.

As per claim 4, Murphy discloses substantial features of the claimed invention as discussed above with respect to claim

Murphy is silent regarding: wherein said clinical trial data is provided to said server by a medical device.

Linder discloses a data management server for receiving medical data provided the said server by medical device (see fig. 1 and col. 3, lines 42-61). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to incorporate the teachings of Linder such as wherein said clinical trial data is provided to said server by a medical device such that accurate clinical trial information can be matched and provided to the respected user to ensure the health of the user.

As per claim 5,Linder discloses the data management server method as set forth claim 3, wherein said clinical trial data is provided to said server over the Internet (see fig. 1).

As per claim 6-7, Linder discloses the data management server method as set forth in claim 3, wherein said clinical trial data is provided to said server by general-purpose computing device having said clinical trial data manually inputted by a user (see fig. 1 and col. 4, lines 14-43).

As per claim 8-9, Murphy discloses the clinical trial data management server method as set forth in claim 3 wherein:

said server includes a data engine (see paragraph 0016);

said data engine comprises a health data management module

and a clinical trials management module(see paragraphs 0021-22);

said health data management module comprises data analysis

algorithms used by said data engine to analyze said clinical trial data(see paragraphs 0034); and

said clinical trials management module: selects said one more matching clinical trials, based on said user profile(see paragraphs 0021-22);

provides an approval of said clinical trial selection(see paragraphs 0021-22);

and provides said selected clinical trial module(see paragraphs 0022)

As per claim 10-13, Linder discloses the data management server method as set forth in claim 8, wherein said health data management module comprises data analysis algorithms and adapted to accept data for one or more cardiology data, diabetes data,

allergy data, and immunology data (see fig. 5 and col. 7, lines 55-66 and col. 8, line 66 to col. 9, line 20).

As per claim 16, Murphy discloses substantial features of the claimed invention as discussed above with respect to claim 15,

Murphy is silent regarding: said data engine is adapted to receive said clinical trial data from a medical device.

Linder discloses a data management server for receiving medical data provided the said server by medical device (see fig. 1 and col. 3, lines 42-61). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to incorporate the teachings of Linder such as wherein said clinical trial data is provided to said server by a medical device such that accurate clinical trial information can be matched and provided to the respected user to ensure the health of the user.

As per 17, Linder discloses the clinical trial data server as set forth in claim 16 wherein said data engine adapted clinical trial data over the Internet(see fig. 1).

As per claim 18-19, Linder discloses the clinical data server as set forth in claim 15, wherein said data engine is adapted receive said clinical trial data from a general-purpose computing device(see fig. 1 and col. 4, lines 14-43).

As per claim 20-26, Linder discloses the clinical trial data server as set forth in claim 15 wherein:

said health data management module comprises data analysis algorithms used by said data engine analyze said clinical trial data(see fig. 5 and col. 7, lines 55-66 and col. 8, line 66 to col. 9, line 20); and

said clinical trials management module:

selects said one based on said user profile(see fig. 5 and col. 7, lines 55-66 and col. 8, line 66 to col. 9, line 20);

provides an approval of said clinical trial selection(see fig. 5 and col. 7, lines 55-66 and col. 8, line 66 to col. 9, line 20);

and provides said selected clinical trial module more matching clinical trials (see fig. 5 and col. 7, lines 55-66 and col. 8, line 66 to col. 9, line 20).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad
Examiner AU 2157
12/25/2004